

REMARKS

Claims 1 through 33 are pending in this application. Claim 18 is amended in several particulars for purposes of clarity in accordance with current Office policy, to assist the examiner and to expedite compact prosecution of this application. The Applicant appreciates the Examiner's indication of allowability concerning claims 12 through 16.

I. Restriction Requirement

A. Restriction to one of the following inventions was required under 35 U.S.C. 121 by the Examiner:

- I. Claims 1-24, drawn to a tension mask, classified in class 313, subclass 403.
- II. Claims 25-29, drawn to a method for producing the tension mask, classified in class 445, subclass 47.
- III. Claim 30-33, drawn to an exposure mask, classified in class 216, subclass 12.

B. On 16 April 2003, in response to the Requirement for Restriction, requiring the election between Groups I, II, and III, Group I (claims 1-24) was provisionally elected with traverse on the telephone.

C. The Applicant affirms the telephonic provisional election with traverse by provisionally election of Group I (claims 1-24) with traverse.

D. As specifically stated in MPEP § 803, the examiner must show that the (A) The inventions must be independent (see MEP § 802.01, § 806.04, § 808.01) or distinct as claimed (see MPEP §806.05 - §806.05(i)); **and** (B) There must be a **serious burden** on the examiner if restriction is required (see MPEP §803.02, § 806.04(a) -§806.04(i),§808.01(a), and § 808.02).

E. We also ask the Examiner to show that there is a serious burden on the Examiner according to MPEP §803.

As stipulated in *MPEP* §803, if the search can be made without serious burden, the Examiner must examine it on the merits even if there are separate and distinct inventions.

It is respectfully submitted that there would not be a serious burden upon the examiner.

First there are limitations in common in each of the groups as seen in claims 1 through 33.

Secondly, there are some overlapping fields of search within the different groups.

Thirdly, for example, added claim 34 which has the features of group II is dependent on claim 1 which has the features of group I. Further, for example, added claim 35 which has the features of group III is dependent on claim 1 which has the features of group I.

Therefore, since there would be no serious burden on the Examiner and as required by *MPEP* §803, the Examiner must examine the entire application on the merits.

Further, the Applicant respectfully submits that the restriction requirement should be removed.

II. CLAIM REJECTIONS - 35 U.S.C. § 112, SECOND PARAGRAPH

The examiner rejects Claim 18 under the second paragraph of 35 U.S.C. § 112 for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner rejected Claim 18 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated that Claim 18 states that "the width of each of the slots at the electron beam entering side being wider than at the electron beam exiting side." based on Figure 11 of the Applicant's disclosure the Examiner believes that this was intended to read "the width of each of the slots at the electron beam exiting side being wider than at the electron beam entering side" and has treated it as such for the purposes of examination.

Claim 18 was amended and the amended claim 18 is supported by the disclosure in paragraph 49, first sentence, for example.

III. REJECTION OF CLAIMS (35 U.S.C. § 103)

Claims 1-3, 4-11, 17-21, 23 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable.

According to MPEP 706.02(j), the following establishes a *prima facie* case of obviousness

under 35 U.S.C. §103:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

A. Claims 1, 4-11, 17-21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,545,402 to Ko in view of U.S. Patent No. 5,856,725 to Ueda.. The Applicant respectfully traverses.

The Examiner states that Ko fails to exemplify that the dummy bridges should have an

etching boundary located below the middle of the strips. However, the Examiner states that Ueda, in the similar field of shadow masks, teaches that the mask should be etched so that the etching boundary is located below the middle of the strips in order to intercept or reduce the quantity of directly incident light while allowing reflected light to pass through (see Figure 6 and Column 4, Lines 25-37).

However, in Ueda, figure 6 concerns the slots formed on the shadow mask of figure 4 (col. 3, lines 20-22). Therefore, when Ueda is combined with Ko, the teaching is not of the dummy bridge having such an etching but of the slot area without dummy bridges of the combination. Therefore, the combination does not teach of such a limitation.

Furthermore, one cannot just combine the portion of Ueda into the dummy bridge of Ko because in the end the Federal Circuit has mentioned that “[t]he test for obviousness is not whether the features of one reference may be bodily incorporated into another reference...Rather, we look to see whether combined teachings render the claimed subject matter obvious.” *In re Wood*, 599 F.2d 1032, 202 USPQ 171, 174 (CCPA 1979) (citing *In re Bozek*, 416 F.2d 1385, 1390, 163 USPQ 545, 549-50 (CCPA 1969); *In re Mapelsden*, 329 F.2d 321, 322, 141 USPQ 30, 32 (CCPA 1964). Basically, the combination references lack the particular teaching or suggestion.

The Examiner stated that Ko fails to exemplify that the distance from the bottom of the strips to the etching boundaries of the dummy bridges should be 0.25 times smaller than the thickness of the strips. However, the Examiner states that by etching the mask of Ko in the manner taught by Ueda, the dummy bridges would have an etching boundary located below the middle of the strips,

the distance from the bottom of the strips to the etching boundaries of the dummy bridges would be 0.25 times smaller than the thickness of the strips (see Figure 6B).

Looking at Figure 6B of Ueda, there is no precise teaching 0.25 times smaller. Only an exemplary drawing is shown with no indication of the relationships of the thicknesses. 0.25 cannot be conjectured from the drawing itself. No scale of the drawing is mentioned and the specification is silent on the point. Therefore, the drawing in itself does not teach or suggest 0.25.

The Examiner stated that Ko fails to exemplify that the thickness of each of the real bridges at the recessed center of the real bridges should be approximately the same as the distance from the bottom of the strips to the etching boundaries of the dummy bridges. However, the Examiner states that by etching the mask of Ko in the manner taught by Ueda, the thickness of each of the real bridges at the recessed center of the real bridges would be approximately the same as the distance from the bottom of the strips to the etching boundaries of the dummy bridges.

Looking at Ueda, like in figure 6A, the thickness in the slot at the recessed center is not approximately the same as the distance from the bottom of the strips to the etching boundaries. Furthermore, the combination of Ueda and Ko would not then teach or suggest of the thickness of each of the *real bridges* at the recessed center of the real bridges would be approximately the same as the distance from the bottom of the strips to the etching boundaries of the *dummy bridges*. No such relationship of the thicknesses and etching boundaries of the two portions are taught or suggested by the combination.

B. Claims 1-3, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,545,402 to Ko in view of U.S. Patent No. 3,883,770 to Yamada. The Applicant respectfully traverses.

The Examiner states that Ko fails to exemplify that the dummy bridges should have an etching boundary located below the middle of the strips., but that Yamada in the similar field of tension masks teaches that the mask should be etched so that the etching boundary is located below the middle of the strips in order to minimize the halation caused by an electron beam (see Figures 1 and 4). The Examiner states that by etching the mask of Ko in the manner taught by Yamada the dummy bridges would have an etching boundary located below the middle of the strips, the plurality of real bridges would be recessed by a predetermined depth from the top surface of the real bridges and that the thickness of each of the real bridges should be smaller at the center than at the periphery of the real bridges (Figure 4, #3), and the thickness of each of one the real bridges at the recessed center of the real bridges would be approximately the same as the distance from the bottom of the strips to the etching boundaries of the dummy bridges.

However, looking at Yamada, again the etchings involve the slot areas and do not make a teaching as to the etching at the dummy bridge area. Therefore, when Yamada is combined with Ko, it does not mean the dummy bridges of Ko will have this formation but the slot area without the dummy bridges have the above formation since Yamada specifically shows the formation on the slots without dummy bridges. As mentioned above, it is the teaching that is important and therefore

the combination does not teach or suggest the dummy bridges having the specific etching.

IV. ALLOWABLE SUBJECT MATTER

The examiner stated that claims 12 through 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The applicant appreciates the examiner's indication of allowability pertaining to claim 12 through 16. In accordance with 37 C.F.R. § 1.111(b), the applicant respectfully requests that the examiner temporarily hold objections and requirements as to form in abeyance until the remarks and amendments in this Amendment are considered by the examiner.

In view of the foregoing amendments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. If there are any questions, the examiner is asked to contact the applicant's attorney.

No fee is incurred by this Amendment. Should there be a deficiency in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,



Robert E. Bushnell,
Attorney for the Applicant
Registration No. 27,774

1522 "K" Street, N.W., Suite 300
Washington, D.C. 20005

(202) 408-9040

Folio: P56342

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I.D.: REB/SS